IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.323 OF 1995

Ulhasnagar Municipal Council ...Petitioner

Versus

Laxmandas M.Punjabi ...Respondent

.....

Mr.Vijay Patil for Petitioner.

Mr.S.P.Kanuga for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 3, 2006.

P.C.

1. This Petition is filed by original Defendant/complainant for wilful breach by the Respondent of order of status-quo passed by the Trial Court dated 3rd October 1994.

2. It is stated that the Suit which was pending before the lower Court has since been withdrawn unconditionally on 11th August 1994. Obviously, the date mentioned in Para 7 of the

Petition appears to be incorrect. Counsel for the opposite party, however, disputes the correctness of the statement made in the Petition, as according to him, there is document which indicates that summons in the Suit were issued in September 1995.

3. Be that as it may, I am inclined to accept the objection taken on behalf of the Respondent that the remedy of the Petitioner, if any, ought to have been to take recourse to application under Order XXXIX Rule 2A of the Code of Civil Procedure.

4. Accordingly, this Petition is disposed of with liberty to the Petitioner to take recourse to such remedy as may be permissible by law.

A.M.KHANWILKAR, J.